
Human Services Committee

HB 1954

Brief Description: Sealing juvenile records under certain conditions.

Sponsors: Representative Dickerson.

Brief Summary of Bill

- Requires the court, on a juvenile's 18th birthday, to automatically seal the juvenile's records of deferred disposition if the juvenile has successfully completed the deferred disposition, the deferred disposition has been vacated, and the case dismissed with prejudice.
- Provides that a deferred adjudication automatically sealed under this act has the same legal status as records sealed under other Juvenile Justice provisions.

Hearing Date: 2/12/09

Staff: Linda Merelle (786-7092)

Background:

Deferred Disposition.

A deferred disposition in juvenile court is akin to a deferred prosecution in adult court. A deferred disposition allows a juvenile to complete certain conditions set out by the court and probation, including any restitution payment, in exchange for having the charges dismissed.

A juvenile is eligible for a deferred disposition unless he or she:

- is charged with a sex or violent offense;
- has a criminal history which includes any felony; or
- has two or more prior adjudications.

If a court grants a deferred disposition the juvenile is required to:

- stipulate to the admissibility of the facts contained in the written police report;

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- acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition (i.e., sentencing) if the juvenile fails to comply with terms of supervision (the juvenile offender is found guilty at the time that the court agrees to allow a deferred disposition); and
- waive the right to a speedy disposition and to call and confront witnesses.

After the court enters a finding or plea of guilty, the court defers entry of an order of disposition. The juvenile offender is placed on community supervision, and the court may impose any conditions that it deems appropriate. Payment of restitution must be a condition of supervision. The juvenile normally has one year to complete the conditions but may have up to two years. If the juvenile fails to complete the conditions, as determined by a hearing before the court, the court must enter an order of disposition.

If the court finds that the juvenile offender has successfully complied with the conditions of his or her supervision, including payment of restitution, the conviction shall be vacated and the court shall dismiss the case with prejudice. If the juvenile has a conviction for animal cruelty in the first degree, his or her conviction shall not be vacated.

Sealing Records (Under RCW 13.50.050).

The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection unless they are sealed by the court. Before 1977, juvenile records were not public. Between 1977 and 1997, a juvenile could seal his or her records for any offense two years after being released from confinement or sentenced if the juvenile had no further offenses. As of 1998, the Legislature has placed various time requirements on the ability to seal certain records and has precluded the sealing of records for certain offenses, such as sex offenses and violent offenses altogether. The table below illustrates the offenses for which a juvenile may request an order from the court sealing his or her records:

<i>Type of Offense</i>	<i>Length of Time Since Confinement or Entry of Disposition and Having Committed No Offenses</i>
Sex Offenses	Records may never be sealed.
Class A Felony	Records may never be sealed.
Class B Felony	5 Years
Class C Felony	2 Years
Gross Misdemeanor	2 Years
Misdemeanor	2 Years

A subsequent finding of guilt nullifies a court order sealing a juvenile's record. A subsequent charge of a felony as an adult nullifies the court's sealing order.

Summary of Bill:

A juvenile's records of a deferred disposition shall be automatically sealed upon the juvenile's 18th birthday if:

1. the conditions of the deferred disposition have been completed;

2. the deferred disposition has been vacated and the case dismissed with prejudice; and
3. the juvenile does not have any pending charges.

If at the time this bill goes into effect, the juvenile is already 18, the records of a deferred adjudication shall be sealed immediately. Records that are sealed under this provision have the same legal status as records sealed under RCW 13.50.050.

Appropriation: None.

Fiscal Note: Requested on February 5, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.